

Rough Draft  
October 17, 2019 11:09 AM  
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REFERENCE TITLE: sanctuary jurisdiction; civil action; liability

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
Second Regular Session  
2020

**H. B. \_\_\_\_\_**

Introduced by \_\_\_\_\_

AN ACT

AMENDING TITLE 11, CHAPTER 7, ARTICLE 8, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 11-1052; RELATING TO THE ENFORCEMENT OF IMMIGRATION LAWS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 11, chapter 7, article 8, Arizona Revised  
3 Statutes, is amended by adding section 11-1052, to read:

4 11-1052. Sanctuary jurisdiction liability: crime victim  
5 damages; definitions

6 A. NOTWITHSTANDING SECTION 12-820.02, AN INDIVIDUAL, OR THE SPOUSE,  
7 PARENT OR CHILD OF THE INDIVIDUAL IF THE INDIVIDUAL IS DECEASED OR  
8 PERMANENTLY INCAPACITATED, MAY BRING AN ACTION FOR DAMAGES AGAINST A CITY,  
9 TOWN, COUNTY OR OTHER POLITICAL SUBDIVISION OF THIS STATE THAT IS A  
10 SANCTUARY JURISDICTION IF ALL OF THE FOLLOWING APPLY:

11 1. THE INDIVIDUAL IS THE VICTIM OF MURDER, SEXUAL ASSAULT OR ANY  
12 OTHER FELONY.

13 2. AN ALIEN WAS ARRESTED, CONVICTED AND SENTENCED TO A TERM OF  
14 IMPRISONMENT FOR AT LEAST ONE YEAR FOR THE MURDER, SEXUAL ASSAULT OR OTHER  
15 FELONY.

16 3. WITHIN TEN YEARS BEFORE THE OFFENSE OCCURRED, THE CITY, TOWN,  
17 COUNTY OR OTHER POLITICAL SUBDIVISION OF THIS STATE FAILED TO EITHER:

18 (a) COMPLY WITH BOTH OF THE FOLLOWING:

19 (i) A LAWFUL REQUEST WITH RESPECT TO THE ALIEN BY THE UNITED STATES  
20 DEPARTMENT OF HOMELAND SECURITY UNDER THE IMMIGRATION AND NATIONALITY ACT  
21 (66 STAT. 163; 8 UNITED STATES CODE SECTIONS 1226 AND 1357).

22 (ii) A DETAINER FOR, OR NOTIFY ABOUT THE RELEASE OF, THE ALIEN.

23 (b) CONTACT THE FEDERAL GOVERNMENT TO DETERMINE THE IMMIGRATION  
24 STATUS OF THE PERSON IF REQUIRED PURSUANT TO SECTION 11-1051,  
25 SUBSECTION B.

26 B. THE COURT SHALL AWARD THE PREVAILING PARTY COSTS AND REASONABLE  
27 ATTORNEY FEES.

28 C. FOR THE PURPOSES OF THIS SECTION:

29 1. "ALIEN" MEANS AN INDIVIDUAL WHO IS UNLAWFULLY PRESENT IN THE  
30 UNITED STATES AS DETERMINED BY THE FEDERAL GOVERNMENT OR BY A PERSON WHO  
31 IS AUTHORIZED BY THE FEDERAL GOVERNMENT TO MAKE THE DETERMINATION.

32 2. "SANCTUARY JURISDICTION" MEANS A CITY, TOWN, COUNTY OR OTHER  
33 POLITICAL SUBDIVISION OF THIS STATE THAT HAS IN EFFECT AN ORDINANCE,  
34 POLICY, RULE OR PRACTICE THAT PROHIBITS OR RESTRICTS ANY GOVERNMENT ENTITY  
35 OR OFFICIAL FROM EITHER:

36 (a) SENDING, RECEIVING, MAINTAINING OR EXCHANGING WITH ANY FEDERAL,  
37 STATE OR LOCAL GOVERNMENT ENTITY INFORMATION REGARDING THE CITIZENSHIP OR  
38 IMMIGRATION STATUS OF ANY ALIEN.

39 (b) COMPLYING WITH A LAWFUL REQUEST BY THE UNITED STATES DEPARTMENT  
40 OF HOMELAND SECURITY PURSUANT TO THE IMMIGRATION AND NATIONALITY ACT (66  
41 STAT. 163; 8 UNITED STATES CODE SECTIONS 1226 AND 1357) TO COMPLY WITH A  
42 DETAINER FOR, OR NOTIFY ABOUT THE RELEASE OF, AN ALIEN.